

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARCUS HONZU,

Plaintiff,

v.

JOHN DOE [1] – CHIEF
INSPECTOR OF ODRC, *et al.*,

Defendants.

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Case No. 2:22-cv-292

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

ORDER


This matter is before this Court on the Magistrate Judge’s Report and Recommendation (“R&R”) (ECF No. 50), that this Court grant in part and deny in part Defendant’s Motion to Dismiss. (ECF No. 30).

In her R&R, the Magistrate Judge advised Plaintiff that he had fourteen days to raise any objections. (ECF No. 50 at 26). The R&R also notified him that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the R&R *de novo*. (*Id.*). On February 8, 2024, this Court granted Plaintiff’s Motion for an Extension of Time to File Objections (ECF No. 51). Plaintiff never filed any objections. This Court has reviewed the R&R. Noting no objections and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the R&R (ECF No. 50) as this Court’s findings of facts and law.

Plaintiff’s First Amendment retaliation claims against Defendant Hyatt, Defendant Spetnagel, and Defendant Anthony may **PROCEED**. Plaintiff’s First Amendment interference with privileged legal mail claims against Defendant mailroom supervisor John Doe 3 and Defendant investigator John or Jane Doe 4 may **PROCEED**. Plaintiff’s Eighth Amendment failure to protect

claim against Defendant Spetnagel may **PROCEED**. Plaintiff's remaining First Amendment retaliation claims, Eighth Amendment deliberate indifference to serious medical needs claims, and Fourteenth Amendment due process claims are **DISMISSED**.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: July 12, 2024